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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,748	12/22/2000	Michael D. Powell	20143-000110US	4713

7590 11/25/2003  
MICHAEL D POWER  
16020 WINTERBROOK RD .  
LOS GATOS, CA 95032

EXAMINER

CHEUNG, MARY DA ZHI WANG

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 11/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

SW

**Office Action Summary**

Application No.

09/747,748

Applicant(s)

POWELL, MICHAEL D.

Examiner

Mary Cheung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 September 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 26-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \*   c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Status of the Claims***

1. This action is in response to the amendment filed on September 11, 2003. Claims 26-58 are currently pending. Claims 1-25 have been canceled. Claims 26-58 have been added.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 26-58 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 26-27, 32-36, 41-44, 49-52 and 57-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al., U. S. Patent 5,862,223 in view of Hall et al., U. S. Patent 5,920,861.

As to claim 26, Walker teach a method of using a computer to conduct a transaction between users and originators comprising (abstract):

a) Inputting into the computer a non-confidential, searchable basic description of a user's unmet need or unsolved problem, each basic description including a detailed description (column 16 line 62 – column 17 line 35 and Figs. 1-2, 6, 18);

- b) Permitting originators to access, search, review and select without restriction, only the non-confidential basic descriptions (column 38 lines 32-50 and Fig. 32);
- c) Providing selecting originators an option further explore the subject matter of a selected basic description by agreeing to a license agreement (column 38 lines 40-65 and Figs. 32-33);
- d) Inputting into the computer an acceptance of the license agreement by the selecting originators (column 38 lines 61-65);
- e) Upon receipt of the acceptance of the agreement by the selecting originators, providing the accepting originators with access via the computer to the detailed descriptions corresponding to the selected basic descriptions (column 38 lines 59-65 and Figs. 18, 33).

Walker does not explicitly state the license agreement including a confidentiality provision. However, Walker specifically emphasizes the confidentiality of the users and the originators (column 8 lines 47-67). Thus, it would have been obvious to one of ordinary in the art to allow the license agreement of Walker to include a confidentiality provision so that privacy of the users and the selecting originators can be better protected.

Walker does not specifically teach each basic description including a corresponding confidential, separately accessible detailed description. However, this matter is taught by Hall as allowing users to access metadata, but restricting the users to access the information that is associated with the metadata based on associated rules (column 15 lines 35-48). It would have been obvious to one of ordinary skill in the

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art at the time the invention was made to allow the method of Walker to include restricting the access of the information that is associated with the basic description information because it would allow the system to set up different restriction rules for limiting the access of the information associated with the basic description of the user's unmet need or unsolved problem so that the user's privacy can be better protected.

As to claim 27, Walker teaches the license agreement is a limited duration, exclusive license (column 17 line 16-35 and column 38 lines 40-41). Walker does not specifically state that upon receipt of acceptance of the agreement by one selecting originator, subsequently restricting other originators from, accessing, searching, reviewing and selecting the non-confidential basic description and the corresponding, confidential detailed description previously selected by the one selecting originator for the duration of the exclusive license agreement. It would have been obvious to one of ordinary skill in the art to allow the method Walker to include the feature of preventing other originators access the user's unmet need or unsolved problems after the user and the selected originators have had a license agreement of solving the problems because this would enhance the integrity of the system for matching the user's request upon the request is filled.

As to claim 32, Walker teaches allowing a selected corresponding detailed description to be accessed by an accepting originator only after the description inputting user has approved access (column 38 lines 59-65 and Figs. 18, 33).

As to claim 33, Walker modified by Hall teaches allowing only a specified user to access the corresponding detailed description (see claim 26 above).

As to claim 34, Walker teach a method of using a computer to conduct a transaction between originators and users comprising (abstract):

- a) Inputting into the computer a searchable basic description of an originator's proposal (column 16 line 62 – column 18 line 5 and Fig. 9);
- b) Permitting users to access, search, review, and select without restriction, only the non-confidential, accessible basic descriptions (column 38 lines 12-65 and Figs. 31-32);
- c) Providing selecting users an option to further explore the subject matter of the selected basic description by agreeing to a license agreement (column 38 lines 12-65 and Figs. 32-34);
- d) Inputting into the computer an acceptance of license agreement by the selecting users (column 38 lines 12-65);
- e) Upon receipt of the acceptance of the agreement by the selecting users, providing the accepting users with access via the computer to the detailed descriptions corresponding to the selected basic descriptions (column 38 lines 12-65 and Figs. 18, 34).

Walker does not explicitly state the license agreement including a confidentiality provision. However, Walker specifically emphasizes the confidentialities of the users and the originators (column 8 lines 47-67). Thus, it would have been obvious to one of ordinary in the art to allow the license agreement of Walker to include a confidentiality provision so that privacy of the users and the selecting originators can be better protected.

Walker does not specifically teach each basic description including a corresponding confidential, separately accessible detailed description. However, this matter is taught by Hall as allowing users to access metadata, but restricting the users to access the information that is associated with the metadata based on associated rules (column 15 lines 35-48). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the method of Walker to include restricting the access of the information that is associated with the basic description information because it would allow the system to set up different restriction rules for limiting the access of the information associated with the basic description of the user's unmet need or unsolved problem so that the user's privacy can be better protected.

As to claim 35, Walker teaches the originator's proposal is submitted by an originator in response to the user's unmet need or unsolved problem inputted and accessed using the computer (column 16 line 62 – column 18 line 5 and Fig. 9).

As to claim 36, Walker teaches the license agreement is a limited duration, exclusive license (column 17 line 16-35 and column 38 lines 40-41). Walker does not specifically state that upon receipt of acceptance of the agreement by one selecting user, subsequently restricting other users from, accessing, searching, reviewing and selecting the non-confidential basic description and the corresponding, confidential detailed description previously selected by the one selecting user for the duration of the exclusive license agreement. However, Walker teaches encrypting the messages between the user and the originator for preventing unwanted parties to reviewing the information. It would have been obvious to one of ordinary skill in the art to allow the

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method Walker to include the feature of preventing other users access the originator's proposal after the user and the selected originators have had a license agreement of solving the problems because this would prevent other users to access the originator's proposal without a license agreement; thus, the value of originator's work would be better protected.

As to claim 41, Walker teaches allowing a selected corresponding detailed description to be accessed by an accepting user or only after the description inputting user has approved access (column 38 lines 12-65 and Figs. 9, 18, 33).

As to claim 42, Walker modified by Hall teaches allowing the corresponding detailed description to be accessed only by one selected at a time (see claims 34 and 36 above).

Claims 43-44, 49-52 and 57-58 are rejected for the similar reasons as claims 26-27, 32-34, 36 and 41-42.

5. Claims 28-29, 37-38, 45-46 and 53-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al., U. S. Patent 5,862,223 in view of Hall et al., U. S. Patent 5,920,861 in further view of Shear, U. S. Patent 5,050,213.

As to claim 28, Walker modified by Hall teaches using a computer to conduct a transaction between the user and the selecting originators as discussed above. Walker modified by Hall does not specifically teach providing users with the licensing option of permitting originators to continue to access, search, review and select only the non-confidential basic descriptions for the duration of the license agreement. However, Shear teaches limiting access to various portions of a database, granting the access to



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a person possesses the proper level of security code (column 8 lines 10-16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the method of Walker modified by Hall to include the feature of allowing the user to grant different levels of access to the user's unmet needs or unsolved problems because it would allow the system to better protect the user's privacy from the originators.

As to claim 29, Walker teaches maintaining a queue of license-accepting originators seeking access to the selected, but license restricted detailed descriptions (column 38 line 51 – column 39 line 36 and Figs. 1-2 and see claim 26 above).

As to claim 37, Walker modified by Hall teaches using a computer to conduct a transaction between the user and the selecting originators as discussed above. Walker modified by Hall does not specifically teach providing originators with the licensing option of permitting users to continue to access, search, review and select only the non-confidential basic descriptions for the duration of the license agreement. However, Shear teaches limiting access to various portions of a database, granting the access to a person possesses the proper level of security code (column 8 lines 10-16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the method of Walker modified by Hall to include the feature of allowing the originators to grant different levels of access to the originators' proposals because it would allow the system to better protect the values of the originators' works.

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As to claim 38, Walker teaches maintaining a queue of license-accepting users seeking access to the selected, but license restricted detailed descriptions (column 38 line 12 – column 39 line 36 and Figs. 1-2 and see claim 34 above).

Claims 45-46 and 53-54 are rejected for the similar reasons as claims 28-29 and 37-38.

6. Claims 30, 39, 47 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al., U. S. Patent 5,862,223 in views of Hall et al., U. S. Patent 5,920,861 and Shear, U. S. Patent 5,050,213 and in further view of Condon, U. S. Patent 5,956,714.

As to claims 30 and 39, Walker modified by Hall and Shear teaches using a computer to conduct a transaction between the user and the selecting originators as discussed above. Walker modified by Hall and Shear does not specifically teach establishing a priority for each originator/user in the queue according to the timing of license acceptance by each originator, with the earlier in time having priority over the later time. However, Condon teaches establishing a priority based on time basis (column 4 lines 40-53). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the teachings of Walker modified by Hall and Shear to implement a time based priority features so that the originators/users with earlier responses would be rewarded over the originators/users with later responses for promoting fast disclosure of the communications between the originators and the users.

Claims 47 and 55 are rejected for the similar reasons as claims 30 and 39.

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7. Claims 31, 40, 48 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al., U. S. Patent 5,862,223 in view of Hall et al., U. S. Patent 5,920,861 in further view of Christianson et al., U. S. Patent 6,085,186.

As to claim 31, Walker modified by Hall teaches restricting access of certain data based on associated rules, and permitting originators to access the detailed descriptions upon receipt of acceptance of the agreement as discussed in claim 26 above. Walker modified by Hall does not specifically teach permitting originators to search and rank by relevancy. However, Christianson teaches search and rank by relevancy (column 7 lines 32-56 and column 8 lines 11-20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the teachings of Walker modified by Hall to include the feature of searching and ranking by relevancy for better assisting the searcher to find the desired information.

As to claim 40, Walker modified by Hall teaches restricting access of certain data based on associated rules, and permitting users to access the detailed descriptions upon receipt of acceptance of the agreement as discussed in claim 34 above. Walker modified by Hall does not specifically teach permitting users to search and rank by relevancy. However, Christianson teaches search and rank by relevancy (column 7 lines 32-56 and column 8 lines 11-20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the teachings of Walker modified by Hall to include the feature of searching and ranking by relevancy for better assisting the searcher to find the desired information.

Claims 48 and 56 are rejected for the similar reasons as claims 31 and 40.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Angal et al. (U. S. Patent 6,064,656) discloses an access control database defines access rights through the use of access control objects.

Diamant et al. (U. S. Patent 6,268,789) discloses a device for protecting secure area in a computer system which includes at least one storage unit divided into at least two storage areas – public and secured area.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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***Inquire***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (703)-305-0084. The examiner can normally be reached on Monday – Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

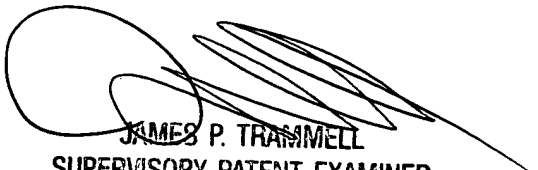
The fax phone number for the organization where this application or proceedings is assigned are as follows:

(703) 872-9306      (Official Communications; including After Final  
Communications labeled "BOX AF")

(703) 746-5619      (Draft Communications)

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, 7<sup>th</sup> Floor Receptionist.

Mary Cheung  
Patent Examiner  
Art Unit 3621  
November 15, 2003

  
JAMES P. TRAMMELL  
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